

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WATER COUNCIL

RECEIVED

Water Council Docket No. 04-14 WC

JUL 13 2004

In Re: Appeal of Mark and Marianne Bonaiuto

OBJECTION TO MOTION
TO WAIVE ENV-WC 203.02

NOW COME Daniel and Margaret Osborn and through their attorneys Beaumont & Campbell Prof. Ass'n. OBJECT to the Request to Waive the time period for appeal set forth in Env-WC 203.02 as requested by the appealing Parties, stating as follows:

1. That the instant matter is an Appeal of a Shoreland Protection Waiver granted to Daniel and Margaret Osborn.
2. That the referenced Waiver was issued on May 12, 2004.
3. That the Appeal in this matter was not filed until July 1, 2004.
4. That Env-WC 203.02 requires appeals to be filed within thirty (30) days of the date of the decision being appealed.
5. That although the Petitioners have set forth a sequence of events that suggests they may have been given conflicting advice by state officials, they were responsible to be familiar with statutory requirements, notwithstanding their decision not to retain counsel.
6. That submitted herewith is a Motion to Dismiss Appeal, indicating that the appealing Parties do not have standing to prosecute the Appeal.

WHEREFORE, Daniel and Margaret Osborn respectfully request that the request to allow a late appeal be DENIED.

Respectfully submitted,

Daniel and Margaret Osborn

Dated: July 13, 2004

By: 

Bernard H. Campbell, Esquire
Beaumont & Campbell Prof. Ass'n.
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Salem, New Hampshire 03079
Tel. 603-898-2635

CERTIFICATE of SERVICE

I certify that a copy of the foregoing Objection was sent this 13th day of July 2004, first class mail postage prepaid to:

- Mark and Marianne Bonaiuto
7 Valcat Lane
Atkinson, New Hampshire 03811
- Daniel and Margaret Osborn
P.O. Box 808
Hampstead, New Hampshire 03841
- Jared Teutsch, DES Shoreland Protection
NH Department of Environmental Services
P.O. Box 95
Concord, New Hampshire 03302-0095
- Atkinson Conservation Commission
21 Academy Avenue
Atkinson, New Hampshire 03811


Bernard H. Campbell, Esquire